

Regular Session, 2010

SENATE BILL NO. 278

BY SENATOR ERDEY

PARISHES. Provides with respect to the costs associated with the removal of dangerous structures incurred by a parish or municipality. (8/15/10)

AN ACT

To amend and reenact R.S. 33:4766(E)(1), relative to liens and privileges on immovable property; to provide relative to the procedure for the enforcement of certain liens and privileges by local government; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4766(E)(1) is hereby amended and reenacted to read as follows:

§4766. Lien and privilege for cost of demolition, removal, and maintenance by parish or municipality; interest; attorney fees

* * *

E.(1) The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable within three years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; ~~said~~ **the** lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the parish or municipality has incurred such costs as

1 constitute the lien and privilege on the property, the parish president, police jury,
2 mayor, or any director of any community development department of the parish or
3 municipality may send an attested bill of said costs and expenses which constitute
4 the lien and privilege to the director of administration **or tax assessor of the parish**
5 **in which the property is located**, who shall add the amount of ~~said~~ **the** bill to the
6 next tax bill of the owner. The lien obtained by the parish or municipality pursuant
7 to proper notification and filing shall include not only the costs provided for in
8 Subsection A of this Section but shall include all attorney fees and all costs of court
9 incurred in the locating of the owner, the notification of the owner, and the
10 enforcement and collection of the amount secured by the lien against the immovable
11 and the improvements.

12 * * *

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST

Erdey (SB 278)

Present law provides that a privilege and lien in favor of a parish or municipality for costs of removal of dangerous structures may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, and may be enforced and collected as any ordinary property tax lien assessed against the property.

Present law further provides that the parish president, police jury, mayor, or any director of any community development department of the parish or municipality may send an attested bill of the costs and expenses which constitute the lien and privilege to the director of administration, who shall add the amount of the bill to the next tax bill of the owner.

Proposed law provides that the proper party to receive the attested bill is the director of administration or tax assessor of the parish in which the property is located. Retains remainder of present law.

Effective August 15, 2010.

(Amends R.S. 33:4766(E)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Deleted "parish assessor" as proper party and provided that proper party to receive attested bill is director of administration or tax assessor of the parish in which the property is located.

Senate Floor Amendments to engrossed bill.

1. Legislative Bureau technical amendments.